

R E M A R K S

This paper is submitted in response to the Office Action mailed February 22, 2005 with a shortened statutory response period that ends on May 22, 2005. This paper is submitted within the shortened response period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 1-11, 13-33 and 35-41 are pending in this application.

Claims 1-11 and 13-33 were provisionally rejected under obviousness-type double patenting in view of claims 1-59 of U.S. Patent No. 6,743,523 to Woo et al. (*Woo*) and claims 179-191 of commonly owned U.S. Patent Application Serial No. 09/917,136 to Shang et al. (*Shang*). A terminal disclaimer with respect to *Woo* accompanies this paper. If necessary, Applicants will submit a terminal disclaimer with respect to *Shang* pending review of the subject matter of the allowed claims in either application..

Claims 1, 9-11, 13-23, 31-33 and 35-41 were rejected under 35 U.S.C. §103(a) as being obvious over International Publication No. WO 95/13918 to Rosenbaum (*Rosenbaum*) in view of European Patent Application No. 556,034 to Sudo (*Sudo*). Claims 1-3, 7-8, 13-25, 3 and 35-41 were rejected under 35 U.S.C. § 103(a) as being obvious over *Rosenbaum* in view of U.S. Patent No. 5,928,740 to Wilhoit et al. (*Wilhoit*).

Applicants respectfully traverse and disagree with these rejections as *Rosenbaum*, *Sudo* and *Wilhoit*, either alone or in combination, fail to teach or suggest a film layer having a first ethylene- α -olefin or ionomer component in an amount of 55%-99% by weight of the blend and a second component present in an amount of 1%-45% by weight of the blend as recited in the present claims. *Rosenbaum* discloses a four component radio frequency susceptible layer (RF layer) having an ethylene- α -olefin component present in an amount of 25-50% by weight of the layer. *Rosenbaum*, p.10 lines 31-36. *Rosenbaum* thereby fails to teach or suggest a two component blend having an ethylene- α -olefin component present in an amount of 55%-95% by weight of the blend.

Similarly, *Sudo* does not teach or suggest a film layer having a first ethylene- α -olefin or ionomer component in an amount of 55%-99% by weight of the blend and a second component present in an amount of 1%-45% by weight of the blend as recited in the present claims. *Sudo*

has no disclosure whatsoever of an ethylene- α -olefin copolymer with a density of less than 0.915g/cc. *Sudo's* resin copolymer/rubber blend thereby fails to disclose or suggest a first component present in an amount of 55%-99% of the blend and a second component present in an amount of 1%-45% by weight of the blend as recited in the present claims.

Wilhoit teaches away from a polymer blend having a single ethylene- α -olefin copolymer as recited in the present claims. *Wilhoit* discloses a polymeric blend containing at least three different polymers. At least two of the three polymers are ethylene- α -olefin copolymers. *Wilhoit*, col. 7 lines 7-23. As *Wilhoit* requires at least two ethylene- α -olefin copolymers, *Wilhoit* teaches away from a single ethylene- α -olefin copolymer as recited in the present claims.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,
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